



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,733	12/12/2003	Irene Glozman	B04.12-0074	9584

7590 12/07/2004

WESTMAN, CHAMPLIN & KELLY, P.A.
International Centre
Suite 1600
900 Second Avenue South
Minneapolis, MN 55402-3319

EXAMINER

EASTHOM, KARL D

ART UNIT	PAPER NUMBER
----------	--------------

2832

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/734,733

Applicant(s)

GLOZMAN ET AL.

Examiner

Karl D Easthom

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Art Unit: 2832

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3 and 14 are rejected under 35 U.S.C. 102(b) as anticipated by Hayashi.

Hayashi discloses the claimed invention at Fig. 1 with bore 4,5 in housing 3, temperature sensing assembly 38, with resistance temperature sensing element 6, 7,8,9, mandrel 13, rigid potting material 11, and particulate material 12 in the bore 4, 5. In claim 3, the particulate is alumina (aluminum oxide). In claim 14, the inner end surface of the bore is at end 2, with the end surface of the mandrel 13 spaced therefrom and separate insulating material 10 filling the space there between.

3. Claims 1-2, 9, and 12-13 are rejected under 35 U.S.C. 102(b) as anticipated by Takahashi et al. Takahashi discloses the claimed invention at Fig. 1 with bore in housing 60, temperature sensing assembly 38, with resistance temperature sensing element 11, mandrel 13 30, rigid potting material 70, and particulate material 50. In claim 2, the mandrel is the two sections of 12, 21 with particulate also including 22. Each section is surrounded by particulate material 50,22 and rigid potting material 70. The bore has first portion in 23 with second portion in 40 of larger diameter. In claim 9, the end cap is 70 and is adjacent the shoulder forming the bore portions where 50 and 22 meet inside the bore where adjacent means close. The rigid potting material or end cap 70 is for retaining the material 22 in the first bore portion by aiding in preventing spilling as noted at par. 15. In claims 12-13, the first portion is 13 with the second portion 30.

Art Unit: 2832

4. Claims 1, 3 and 12 are rejected under 35 U.S.C. 102(b) as anticipated by Berger et al.

Berger discloses the claimed invention at Fig. 2 with bore in housing 15, temperature sensing assembly 22, 25, 22 resistance temperature sensing element 25, mandrel 22, rigid potting material 17, and particulate material 30. In claim 3, the particulate is magnesia. In claim 12, the first section near 29 is cantilevered as related to second section near 17

5. Claim 6 is rejected under 35 U.S.C. 103(a) as obvious over Berger et al. in view of O'Connell et al. Berger discloses the claimed invention as noted above except the epoxy material. O'Connell discloses such a material 39 for sealing wires in a bore, so that it would have been obvious to so seal the Berger wire 23 where Berger discloses a sealing cement or sealing silicone rubber type plug at col. 3, lines 45-60 or col. 7, lines 5-10 for sealing a wire to within a bore. bore 48 in housing 32, temperatures sensing assembly 38, with resistance temperature sensing element 38. The second section of the mandrel 44 protrudes into the section 46 where the rigid potting material of cement resides as noted at col. 6, lines 49-65.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as obvious over Berger in view of Kolb et al. Berger discloses the claimed invention as noted above except the platinum material. Kolb discloses at col. 1, lines 30-40 the material is well known for use as a high temperature detector and having similar wire shape as that of Berger so that such a material would have been obvious.

7. Claims 4, 5 and 8 are rejected under 35 U.S.C. 103(a) as obvious over Hayashi, or Berger in view of Hayashi. Berger or Hayashi disclose the claimed invention as noted above except the size of the particles. Hayashi discloses employing particles small enough to ensure that the particles get in-between coils of a sensor, and also to ensure that particles are evenly packed, at col. 1, lines 30-50, citing particles having a range for 30-150um at col. 2, so that it

Art Unit: 2832

would have been obvious to make the particles even smaller to ensure that material is evenly packed, since smaller particles will pack more evenly than larger ones as suggested.

8. Claims 10-11 are rejected under 35 U.S.C. 103(a) as obvious over Takahashi et al. in view of Nyffenegger. Takahashi discloses the claimed invention as noted above except the housing material of aluminum. Nyffenegger at col. 1, and col. 2, lines 20-36 discloses that aluminum is a suitable thermally conductive housing for temperature detectors where quick response times are desired, so that same would have been obvious for that reason. Since the mandrel of Takahashi is of platinum rhodium as noted at par. 26, and the metal housing as modified is aluminum as obvious, then claim 10 is met since the same materials are employed.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl D Easthom whose telephone number is (571) 272-1989. The examiner can normally be reached on M-Th, 5:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karl D Easthom



KARL D. EASTHOM
PRIMARY EXAMINER